

# NEWS

## United States Army Reserve 108<sup>th</sup> Division (Institutional Training)

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### **FOR IMMEDIATE RELEASE**

#### THE ARMY CHIEF OF STAFF AWARDS TOP HONORS TO CHARLOTTE-BASED ARMY RESERVE LEGAL TEAM

**CHARLOTTE** – The Charlotte-based 108th Division (IT) and five other Army Reserve commands have earned special recognition from the Army's chief of staff for its legal assistance program.

Last month the soldiers assigned to the 108<sup>th</sup> Division's judge advocate general office were formally notified they were the recipients of the prestigious "Army Chief of Staff's Award for Legal Excellence" for the performance of their duties in 2000. Since 1986, the Army has recognized active duty legal assistance offices that demonstrate consistent excellence in providing legal services. Recognizing the increasing role of the Army Reserve, the Army established a separate award program in 1996 for reserve component legal assistance offices.

"We are pleased to receive the chief of staff's award. Taking care of soldiers and their families is what leaders in the Army do every day," said Maj. Gen. H. Douglas Robertson, commanding general of the 108th Division (IT). "The chief of staff's award

rightfully recognizes that legal assistance is a vital component to the well-being of our Army families and plays a critical role in ensuring our military readiness."

The 108<sup>th</sup> Division is headquartered in Charlotte and has more than 3,000 Army Reserve soldiers assigned in four states in the southeast and Puerto Rico. The 108<sup>th</sup> Division provides the Army with drill sergeants to train new soldiers entering the Army and instructors that teach a wide variety of military skills including college ROTC courses.

Each Army Reserve legal office was evaluated on the quality of the legal assistance it provides to its eligible clients, innovations to provide better client services, adequacy of legal assistance facilities, quality of preventive law efforts and publications, and the legal experience of its attorneys. Lt. Col. Gill P. Beck, division staff judge advocate, 108th Division (IT), said "the award reflects a team effort."

For example, Maj. Anna C. Swallow and Maj. James E. Hardin, both attorneys, and Staff Sgt. Micah DeCamp, legal non commissioned officer, recently merged the Army's legal assistance and family readiness programs. Staff attorneys and paralegals now prepare wills, powers of attorney and other legal documents for soldiers and family members at the same time so soldiers could be mobilized quickly if a national emergency occurs. Last September, soldiers in just one headquarters unit saved more than \$5,000 in legal fees by having the Army Reserve provide this free service.

In addition, the division's legal team was recognized for its innovative web page on the Internet. "The SJA web page is filled with information on a wide variety of legal and preventive law subjects and is available to our soldiers 24 hours a day, 7 days a week and 365 days a year," Beck said. "The web page and preventive law handouts are a key

part of the division's preventive law program in which we attempt to educate soldiers so that they can protect themselves and avoid legal traps whether in buying used cars, renting apartments or in a wide variety of other circumstances."

Beck said 108<sup>th</sup> Division lawyers sometimes are called in to solve legal disputes with a soldier's civilian employer. By law, an employer must allow his or her employees to participate in military reserve duty without penalty.

Personal legal assistance services are an important benefit for soldiers, retirees and their family members. In 2000, more than 700 legal assistance providers around the world delivered legal assistance to more than 115,000 clients. In addition to handling a wide variety of personal legal matters, they prepared over 40,000 wills, more than 200,000 powers of attorney, filed more than 230,000 income tax returns and notarized more than 350,000 documents. These client legal services, worth over \$55 million, contribute to military readiness and our personnel's legal well-being, Beck said.

Other U.S. Army Reserve units receiving awards were the 6th Mobilization Support Organization, 78th Legal Support Organization, 99th Regional Support Command, 377th Theater Support Command and the 807th Medical Brigade. A separate category of awards was also presented to active duty legal assistance offices.

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but that MAJ James E. Hardin, Jr., Deputy Staff Judge Advocate, and MAJ Anna C. Swallow, Assistant Staff Judge Advocate, had led the office's efforts to improve legal assistance support. He observed that MAJ Hardin and MAJ Swallow had linked the Division's Legal Assistance and Family Readiness Programs. For example, during Family Day activities, MAJ Hardin and MAJ Swallow organized a legal station to prepare wills, powers of attorney and other documents for both soldiers and soldiers' spouses. During Family Day activities for HHC, 108th DIV (IT) Family Day, in September 2000, over 25 legal documents were prepared for soldiers and their family members, representing a savings of well over \$5,000 through this innovative practice. LTC Beck commended MAJ Hardin and MAJ Swallow, as well as, Legal NCO, who assisted them, for their initiative in taking care of the Division's soldiers and family members in a way that did not detract from training or mission accomplishment.

MAJ Hardin observed

Both LTC Beck and MAJ Hardin agreed that MAJ Anna C. Swallow, Assistant Staff Judge Advocate played an essential role in winning the Chief of Staff's Award. MAJ Swallow operated a full-time legal assistance office, in addition to performing many other legal duties. With regard to those extra efforts, LTC Beck observed that "Not only does MAJ Swallow provide outstanding service to Division soldiers during the month, but she also assists tenant units in Charlotte as well as retirees, their families and the families of active duty personnel who live in our area, apart from their spouse." MAJ Hardin observed that "Additionally, MAJ Swallow assists in casualty affairs operations for active duty, reserve, and retired personnel and their families in this area, and that she assisted the 312th LSO and our Band in real world pre-mobilization legal assistance."

Additionally, LTC Beck observed that 1LT Rideout had created a SJA webpage as part of the Division's website. LTC Beck noted that "Our goal," stated LTC Beck, "is to be proactive and help our soldiers avoid entirely or substantially minimize legal difficulties." CSM Samuel J. Rule, the Division's Command Sergeant Major, stated that "we take care of our soldiers best when we help them avoid entangling themselves in legal difficulties."

"Another good example of the Division's Preventive Law Program," MAJ Swallow recounted, "occurred last summer when brigade commanders identified problems with certain civilian employers refusing to honor soldiers' request to go on active duty. MAJ Hardin organized the Division's effort to help our soldiers by developing a three prong plan to help our soldiers. The first prong of this plan was to assist soldiers by equipping them with a letter from the Commanding General, which advised them of their rights under the Uniformed Services Employment and Reemployment Rights Act [USERRA]. The soldiers were then able to present a letter signed by the Commanding General to their employer, which set forth the provisions of the law and sought the civilian employers' support. The second prong involved obtaining the support of the U.S. Department of Labor's Veterans' Employment and Training Section to deal with recalcitrant employers. The third prong, involved identifying the employers who the brigade commanders

indicated were causing soldiers the most problems and then writing letter those employers and following up with telephone calls to enlist their support." MAJ Hardin observed that "most problems had arisen because employers were not familiar with the provisions of USERRA, and that once the employer was informed of the law and its provisions, the employer expressed a willingness to follow the law."

MAJ Swallow also observed that Division Judge Advocates had played a key role in training active duty legal assistance attorneys. Through the North Carolina and American Bar Association's Standing Committees for Legal Assistance to Military Personnel (LAMP), continuing legal education training and in conjunction with the Office of the Staff Judge Advocate, XVIII Airborne Corps and Fort Bragg, training was conducted, primarily by Reserve Component attorneys, to improve active duty attorneys' knowledge of North Carolina law applicable to soldiers and their families. The relationships formed in training with active duty Judge Advocates have also assisted the Division in the delivery of legal assistance since those attorneys are available to assist Division attorneys in providing legal assistance.

MAJ Hardin observed that the Division has sought to improve legal service to commanders and soldiers through a decentralized legal support system in which Brigade Judge Advocates are assigned to Brigades throughout the southeast. He commended the work of these Brigade Judge Advocates, in particular, 1LT Robert Rideout, and although they did not join the Office until the summer of 2000, MAJ Paul Raaf, MAJ Randy Havlicak, and MAJ Joe Crosswhite for their dedication to improving legal support to soldiers. He also observed that SSG Micah E. DeCamp and SGT Sandy Blair-Allen of the SJA Office provided invaluable legal support in conjunction with the Brigade Judge Advocates.

Colonel James L. Wilson, Chief of Staff, 108th Division (IT), stated "We are exceptionally proud of our Judge Advocates and will continue to look for innovative ways to take care of Division soldiers and their families."

BG Charles E. McCartney, Jr., Assistant Division Commander stated: "The 2000 Army Chief of Staff Award for Excellence in Legal Assistance is a credit to legal assistance providers everywhere who work so diligently and to the commands that resource these winning legal assistance programs."

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